

### **REMARKS**

Claims 1-9 and 12-15 are pending. Claims 1, 3-6, 8, 9 and 12-14 are amended. Claims 10 and 11 are canceled. Claims 2, 12 and 15 are withdrawn from consideration.

#### **Claim Amendments**

Claim 1 has been amended to more precisely claim the invention and to improve clarity and readability. Amended claim 1 is supported by original claim 1, the specification at page 2, paragraph 7 through page 3, paragraph 10 and Figs. 1-4, for example.

Claims 3-6, 8, 9 and 12-14 have been amended to improve readability and clarity.

No new matter has been added.

#### **Claim Objections**

Applicant respectfully requests reconsideration and withdrawal of the objections to claims 1 and 3. Claims 1 and 3 have been amended to correct the cited informalities.

#### **Claim Rejections - 35 U.S.C. §112**

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3-6, 9, 13 and 14 as being indefinite under 35 U.S.C. §112, second paragraph.

The Examiner stated that it was unclear whether claims 3 and 4 recited externally threaded parts in addition to the first and second externally threaded parts recited in claim 1. Claims 3 and 4 have been amended to clearly recite the first and second externally threaded parts, rather than additional externally threaded parts.

The Examiner stated that the meaning of “a metric machine” in claim 9 was unclear. The term “a metric machine threaded” has been amended to read “a metric machine thread,” which is a machine thread dimensioned and designed using the metric system.

The Examiner stated that “said transport segment” in claim 5, “the gingival cuff” in claim 6, “the gingival” in claim 9 and phrases throughout claims 13 and 14 lacked antecedent basis. Claims 5, 6, 9, 13 and 14 have been amended to correct the cited antecedent basis problems.

Claim Rejections - 35 U.S.C. §101

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. §101 as being directed to non-statutory subject matter due to the recitation of the human body. Claim 3 has been amended to recite that the first externally threaded part is *configured to be* inserted into a prepared site into the jaw bone and the second externally threaded part is *configured to* protrude into an oral cavity. Thus, claim 3 no longer positively recites parts of the human body.

Claim Rejections - 35 U.S.C. §102

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 3-9 under 35 U.S.C. §102(e) as being anticipated by Tramonte (2002/0081553).

In order for anticipation to exist, a reference must teach each and every element of a claimed invention. “The identical invention must be shown in as complete detail as is contained in the... claim”. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Claim 1 now recites an orthodontic fixture, wherein the orthodontic fixture is connected to an appliance supported by teeth or adjacent static fixtures and the second externally threaded part protrudes through the appliance. Tramonte does not teach or suggest these features. For at least this reason, claim 1 is not anticipated by Tramonte. Claims 3-9 depend from claim 1 and are therefore not anticipated by Tramonte.

Claim Rejections - 35 U.S.C. §103

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Tramonte in view of Hall (2003/0158554).

In order to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. *See* MPEP §2143. Claims 13 and 14 depend from claim 1. As stated above, Tramonte does not teach or suggest an orthodontic fixture connected to an appliance supported by teeth or adjacent static fixtures and having a second externally threaded part that protrudes through the appliance, as claimed in claim 1. Hall also does not teach or suggest these features. Therefore, claims 13 and 14 are allowable over Tramonte and Hall, as combined by the Examiner.

### ***Conclusion***

In view of the above amendment, applicant believes the pending application is in condition for allowance.

If a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21547-00298-US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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